



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application

Inventor(s): Steven T. Mitchell

Appl. No.: 10/684,668

Confirm. No.: 3396

Filed: October 14, 2003

Title: ARTIFICIAL VERTEBRAL DISK  
REPLACEMENT IMPLANT WITH CROSSBAR  
SPACER AND METHOD

PATENT APPLICATION

Art Unit: 3738

Examiner: Bruce Edward Snow

Customer No. 23910

DECLARATION OF PRIOR INVENTION  
UNDER 37 C.F.R. § 1.131

I, Steven T. Mitchell, hereby declare:

1. At all times relevant to this application I have been an engineer at St. Francis Medical Technologies, Inc., a corporation of the State of Delaware.
2. At all times relevant to this application, I had and have an obligation of assignment of inventions to St. Francis Medical Technologies, Inc.
3. I am an Inventor of the subject matter contained in U.S. Patent Application Serial No. 10/684,668. Attached to this Declaration as Exhibits A-D which show evidence of reduction to practice at least as early as May 29, 2002.

Exhibit A is a specification sheet showing a front view, side view and top view of the implant assembly of the present invention. As shown in the bottom right hand corner of the specification sheet, the drawing of the implant is shown to have a date of May 29, 2002.

Exhibit B is a specification sheet showing a front view, side view and top view of the crossbar spacer of the present invention. As shown in the bottom right hand corner of the specification sheet, the drawing of the crossbar spacer is shown to have a date of May 29, 2002.

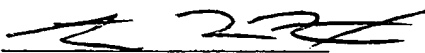
Exhibit C is a specification sheet showing a front view, side view and top view of the lower end plate of the present invention. As shown in the bottom right hand corner of the specification sheet, the drawing of the lower end plate is shown to have a date of May 29, 2002.

Exhibit D is a specification sheet showing a front view, side view and top view of the upper end plate of the present invention. As shown in the bottom right hand corner of the specification sheet, the drawing of the upper end plate is shown to have a date of May 29, 2002.

4. To my knowledge, the documentation represented and illustrated in Exhibits A-D were not publicly disclosed more than one year prior to filing U.S. Patent Application Serial No. 10/684,668.
5. All statements made herein are of my own knowledge that any false statement made may result in a holding that the subject patent may be held invalid or unenforceable, and under penalty of perjury applicable under United States law.

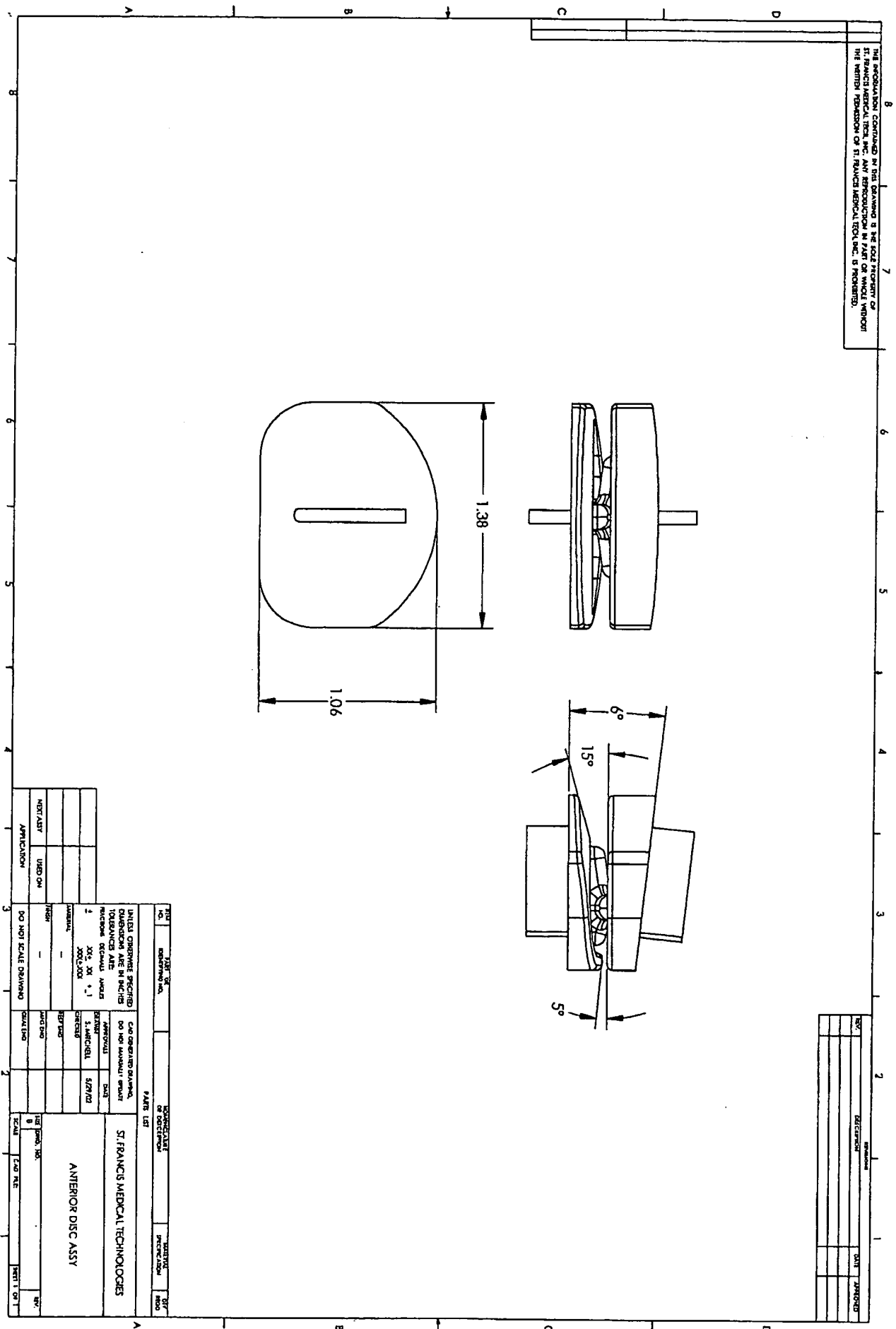
Respectfully submitted,

Date: 3-28-2005

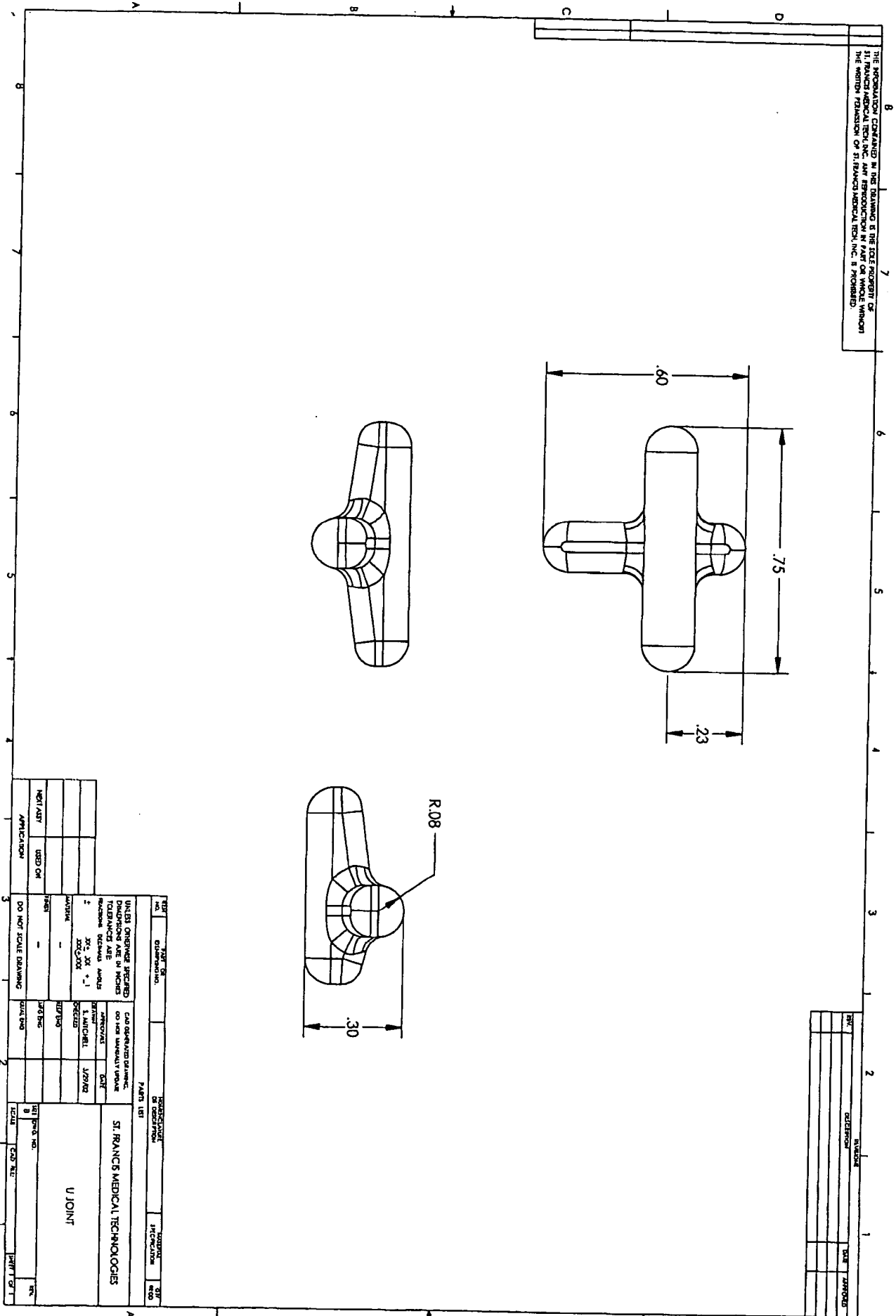
By: 

Steven T. Mitchell  
Project Engineer  
St. Francis Medical Technologies, Inc.  
960 Atlantic Avenue, Suite 102  
Alameda, California 94501

## EXHIBIT A

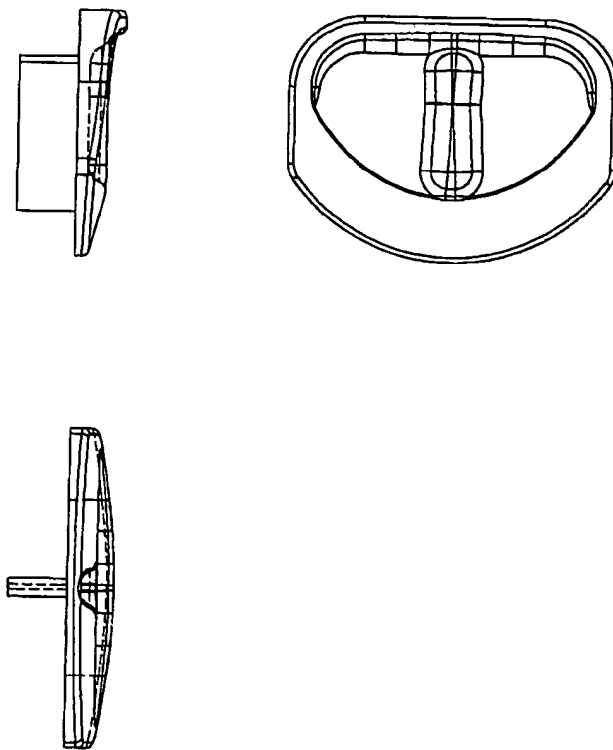


## EXHIBIT B



## EXHIBIT C

THE INFORMATION CONTAINED IN THIS DRAWING IS THE SOLE PROPERTY OF ST. FRANCIS MEDICAL TECHNOLOGIES, INC. ANY REPRODUCTION IN PART OR WHOLE WITHOUT THE WRITTEN PERMISSION OF ST. FRANCIS MEDICAL TECHNOLOGIES, INC. IS PROHIBITED.

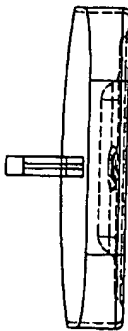
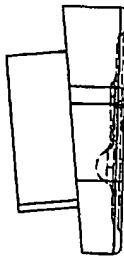
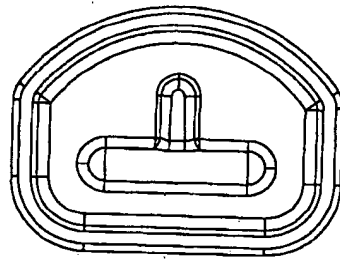


GENERAL INFORMATION		PARTS LIST		ST. FRANCIS MEDICAL TECHNOLOGIES	
ITEM NO.	NAME OF PART	QTY. REQUIRED	DESCRIPTION	UNIT OF MEASURE	REMARKS
1	LOWER PLATE ANTERIOR DISC	1	DISC	EA	
2	DISC	1	DISC	EA	
3	DISC	1	DISC	EA	
4	DISC	1	DISC	EA	
5	DISC	1	DISC	EA	
6	DISC	1	DISC	EA	
7	DISC	1	DISC	EA	
8	DISC	1	DISC	EA	
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98	DISC	1	DISC	EA	
99	DISC	1	DISC	EA	
100	DISC	1	DISC	EA	



## EXHIBIT D

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REV.	DATE	DESCRIPTION

ST. FRANCIS MEDICAL TECHNOLOGIES	
PART NO. 200-200	PART NAME UPPER PLATE ANTERIOR DSC
DIMENSIONS (INCHES) 2.00 X 2.00 X .125	DIMENSIONS (MM) 50.8 X 50.8 X 3.175
MATERIAL 304 STAINLESS STEEL	FINISH POLISHED
TOLERANCES (INCHES) .005	TOLERANCES (MM) .127
APPLICATION HEAD OR NECK	DO NOT SCALE DRAWING